

FSIS PHIS DIRECTIVE

9920.1

5/25/12

REINSPECTION OF IMPORTED SHELL EGGS (PACKED IN CONTAINERS DESTINED FOR CONSUMERS AND FOR BREAKING)

DO NOT IMPLEMENT THIS DIRECTIVE UNTIL MAY 29, 2012.

I. PURPOSE

This directive provides import inspection personnel with instructions for reinspection of imported shell eggs destined for either consumer use or breaking.

II. CANCELATIONS

FSIS Directive 9300.2 – Reinspection of Shell Eggs Packed in Containers Destined for Consumers that are offered for Import dated 1/11/10

III. REASON FOR REISSUANCE

FSIS is reissuing this directive in its entirety to clarify responsibilities for implementation of the Public Health Information System (PHIS), as well as to provide instructions for imported shipments of shell eggs intended for breaking at FSIS egg product plants.

IV. REFERENCES

Egg Products Inspection Act (EPIA)

9 CFR 590.5, 590.28, 590.50, 590.132, 590.134, 590.410, 590.950, and 590.955

21 CFR 118

7 CFR 57.915 and 57.945

FSIS Directive 8840.1, Enforcement of Refrigeration and Labeling Requirements for Shell Eggs Packed for Consumers

FSIS Directive 9900.8, Meat and Poultry, Egg Products, and Shell Eggs Refused Entry into the U.S.

The PHIS User Guide is available via the FSIS Intranet on the PHIS page under Resources

V. BACKGROUND

A. Import inspection personnel inspect shell eggs that are offered for import into the United States are destined for consumers or breaking. The applicant files an entry with the U.S. Customs and Border Protection's (CBP) Automated Commercial Environment (ACE) system. The electronic link between ACE and PHIS enables the applicant to enter FSIS import inspection application data through ACE, as per 9 CFR 590.920.

B. Following the instructions in this directive, import inspection personnel, in coordination with the Agricultural Marketing Service (AMS), are to verify that imported shell eggs going to the consumer are properly certified, labeled, stored, and transported under refrigeration at an ambient temperature not higher than 45 °F (7.2 °C).

C. Following the instructions in this directive, for shipments of eggs destined for breaking, import inspection personnel are to coordinate with the Office of Field Operations (OFO) District Office with jurisdiction over the egg breaking plant to which the eggs are being sent.

VI. PRE-ARRIVAL NOTICE AND ASSIGNMENT

A. Notification

1. The Regional Import Field Office (RIFO) should receive notification from the applicant when a shipment of shell eggs intended for consumer use or for breaking is entering the United States. The applicant is required to provide copies of the PY-222, Import Request (Shell Eggs) and the inspection certificate to the RIFO.
2. The RIFO is to access PHIS, retrieve the import inspection application, verify the import inspection application data with the PY-222 and the inspection certificate, submit the application in PHIS, and then receive the lots to get a PHIS generated inspection assignment.
3. If the shipment is from an Animal and Plant Health Inspection Service (APHIS) restricted country, the RIFO is to verify that the final destination is a FSIS approved egg breaking establishment that APHIS has approved to handle restricted eggs. A listing of foreign countries/regions and their USDA (APHIS) animal health status regarding poultry diseases or acceptable commodities is available through the following link:
http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml

B. Assignment for Reinspection

1. Shell Eggs for Consumer Use. If the assignment is an inspection, the RIFO is to notify import inspection personnel to perform the reinspection.
2. Shell Eggs for Breaking. There are no reinspection assignments for shell eggs for breaking. The RIFO is to forward in PHIS the shipment information to the designated FSIS egg products plant and notify the OFO District Office with responsibility for the plant that a shell eggs for breaking shipment is being sent to the plant.

VII. REINSPECTION

A. Shell Eggs for Consumer Use

Import inspection personnel are to perform the Certification, Ambient Temperature, and Label Verification types of inspection (TOI) as follows:

1. Certification— Import inspection personnel are to verify that each lot is certified by a paper inspection certificate or, for countries submitting electronic certification, the electronic certificate data are entered in PHIS.
 - a. Import inspection personnel are to review the documentation (certificate of inspection and application in PHIS) and verify that the certificate, as per the Egg Products Inspection Act, section 17(a)(3) (21 U.S.C. 1046 (a)(3)), has a signature with the following statement:

“The product has been stored and transported under refrigeration at an ambient temperature not to exceed 45 °F (7.2 °C).”
 - b. If the statement is missing or incorrect, the product has failed Certification TOI (see section VIII).
2. Ambient Temperature Verification--Import inspection personnel are to perform ambient temperature verification as follows:
 - a. Open the transport conveyance and place an approved calibrated thermometer next to the product in the conveyance;
 - b. Close the door;
 - c. Leave the calibrated thermometer in the conveyance for a minimum of five minutes to obtain an accurate temperature reading; and
 - d. If the eggs are not being held or transported at an ambient temperature of 45 °F (7.2 °C) or lower, the product has failed the Ambient Temperature TOI.
3. Label Verification (9 CFR 590.950)—Import inspection personnel are to perform label verification as follows:
 - a. Randomly select one shipping container from the shipment for label verification. Import inspection personnel are to verify that the shipping container and immediate container displays the words “*keep refrigerated*” or words of similar meaning;
 - b. If the labeling is incorrect, the product has failed the Label verification TOI.

B. Shell Eggs for Breaking

Shell eggs for breaking can be imported into the U.S. from any country recognized by the APHIS as free of animal disease issues.

APHIS also allows, under defined circumstances, the importation of shell eggs for breaking from countries under animal disease restrictions as long as the importer presents a valid APHIS permit. The APHIS permit is validated by CBP at time of entry into the United States. Inplant personnel at the FSIS egg breaking plant are to verify that the shipment has arrived at the FSIS egg breaking plant, so that import inspection personnel can complete the lot in PHIS.

Additional information on APHIS restrictions on shell eggs is available through the following link:

http://www.aphis.usda.gov/import_export/plants/manuals/ports/apm.shtml

Additional information on APHIS animal health permits is available through the following link: http://www.aphis.usda.gov/animal_health/permits/

VIII. COMPLETING DATA ENTRY

A. Import inspection personnel are to:

1. Enter all findings and results into PHIS;
2. Ensure that all of the information necessary to complete the assignment is entered into PHIS;
 - a. When a product passes a TOI, import inspection personnel are to submit the completed AMS Form PY-222 to the RIFO, which is to forward the PY-222 to the appropriate AMS office.
 - b. When a product fails a TOI, PHIS will send an email notification of the refused entry to the applicant. The import inspection personnel are to complete the refused entry blocks on the AMS Form-222 and submit it to the RIFO, which is to forward the PY-222 to the appropriate AMS office.
3. Follow FSIS Directive 9900.8 for refused entries; and
4. Ensure that the assignment is properly completed and closed in PHIS.

B. Consult the RIFO on any problems with data entry or questions related to completing the data entry and closing the case file.

IX. DATA ANALYSIS

Quarterly, the Data Analysis and Integration Group within the Office of Data Integration and Food Protection will review and analyze the PHIS data for imported shell eggs to assess whether possible trends exist in reported ambient temperature or label verification data, as well as data on imported eggs that were refused entry, starting 90 days after full implementation of Import PHIS. These analyses will be conducted for both shell eggs destined for consumers and shell eggs destined for breaking. Annually, DAIG will review these analyses with the Office of International Affairs and the Office of Policy and Program Development to determine whether the findings suggest potential

improvements that should be made in import reinspection procedures or guidance to foreign countries.

Questions regarding this directive should be referred through supervisory channels or to askFSIS at <http://askfsis.custhelp.com>.

A handwritten signature in black ink, reading "Rachel A. Edelstein". The signature is written in a cursive style with a large initial "R".

Acting Assistant Administrator
Office of Policy and Program Development